

1848 Noncode Acts

1848-346-1

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That David Ross, Richard H. Eldridge, Thomas P. Emerson, Othneil L. Clark, Joseph S. Hanna, Mathias Scudder, Lawrence B. Stockton, Zebulen Baird, Godlove S. Orth, Luther Jewett, George Nichol, Jesse Andrew, Nathan H. Stockwell, William F. Reynolds, Cyrus Ball, Charles F. Wilstack, Rudolph S. Ford, James F. Clark, Thomas S. Cox, John Purdue, Joel B. McFarland, Robert Heath, and William P. Heath be, and they are hereby, created a body politic and corporate by the name and style of the "Greenbush Cemetery Association of Lafayette," and by that name shall be able to contract and be contracted with, of suing and being sued, pleading and being impleaded, of answering and being answered in all courts and places, and in all matters whatsoever, with power to purchase, receive, and hold, and to convey any real and personal estate which may be appropriate to the nature of their association.

1848-346-2

SECTION 2. The officers of said association shall consist of three trustees, who shall be members of said association. The first election of trustees shall be held at the office of the sheriff of said county of Tippecanoe, in the town of Lafayette, on Saturday, the twelfth day of February, 1848, between the hours of 12 o'clock and 5 o'clock, P. M., on said day; that the persons elected trustees at said election shall meet within five days thereafter, and organize by electing one of their number president, and appointing some suitable person secretary; that one of said trustees shall serve for the term of three years, one for the term of two years, and one for the term of one year; and shall, immediately after their organization, determine by lot the term for which each of said trustees shall respectively serve, and that annually thereafter; on the second Saturday in February, the members of said association shall elect one trustee for said association, who shall serve for the term of three years, and until his successor shall be elected and qualified.

1848-346-3

SECTION 3. Any two of said trustees shall constitute a quorum to transact business, and may fill, by appointment, any vacancy that may occur in their body; Provided, That the person thus appointed shall be a member of said association, and shall serve during the unexpired term of his immediate predecessor.

1848-346-4

SECTION 4. In all elections for trustees by the persons named in the first section of this act, such persons shall be entitled to one vote for each share of twenty-five dollars of stock in said association; and when two or more persons jointly own stock to the amount of twenty-five dollars, such persons shall jointly be entitled to one vote; Provided, That all elections for trustees shall be by ballot.

1848-346-5

SECTION 5. Said trustees shall have power at any of their regular meetings-

1st. To adopt such by-laws (and the same to alter at pleasure) as they may deem best for the government, management, and regulation of said association, not inconsistent with the laws of this state or with this act of incorporation.

2d. To elect a secretary and treasurer, and such other officers as may be necessary, and to prescribe their duties and terms of office, fix their salaries, and fill all vacancies.

3d. To devise and adopt a corporate seal, and the same to alter at pleasure.

4th. To lay off into suitable lots for burial purposes any ground that may be acquired by said association for such purpose, or so much thereof as they may deem expedient, a plat of which shall be registered in the register hereinafter provided, and also recorded in the recorder's office of Tippecanoe county.

5th. To number the lots so laid off, and to assess the value of each lot prior to any sale of lots in said cemetery, which value shall not thereafter be changed.

6th. To fix the terms and conditions of such sale, and to execute to the purchaser of any such lot a deed therefor, with such restrictions and conditions as they may adopt, which deed shall be in the corporate name aforesaid, have the seal of said association affixed, and be signed by at least two of said trustees; Provided, however, No deed shall be executed until full payment of the purchase money has been made to said trustees or their treasurer.

7th. To establish rules and regulations in reference to all grounds belonging to said cemetery, to protect the trees, shrubbery, flowers, walks, and other rural ornaments on the same, and all tombs, cenotaphs, and monuments therein, and to provide suitable enclosures around the said grounds.

8th. For the purpose of constructing a road to lead to and from said cemetery, they shall have power to sell a portion of any real estate owned by said association that has not been laid off into lots, or exchange the same for other real estate, or they may purchase real estate necessary for such road, and shall have power to execute a deed of conveyance for any portion of said real estate they may thus sell or exchange; Provided, That they shall in no event have power to contract any debts for or on account of said association to an amount greater than the amount of funds in the hands of the treasurer at the time such debt is contracted; And provided, further, That the debt thus contracted shall be immediately paid out of such fund.

9th. To do and perform all and singular the several duties of said association necessary to carry into effect the object of this incorporation.

10th. To appoint a sexton, to erect all necessary houses, and to establish rules and regulations for interments in said cemetery, and to cause a record of interments to be kept, in which shall be registered the name, age, occupation, and nativity of each person interred, with the date of his or her interment, and such other matters as may be deemed

proper to be recorded.

1848-346-6

SECTION 6. All real estate held by said association for burial purposes, whether laid off into lots or not, shall be deemed a perpetual dedication of the same for the purposes aforesaid, and shall for ever be held by said association in trust for such purposes and none other; and that no part thereof shall ever be used or sold by said association for any purposes whatsoever, except as in this act excepted. And all real estate so dedicated for the purposes aforesaid, with the ground occupied by the sexton's house, and the garden thereto attached, and any road owned by the association, connecting their said ground with any public street or highway, shall for ever be exempt from taxation.

1848-346-7

SECTION 7. Said association shall have authority to sell, grant, and convey to any person or persons the sole and exclusive right of burial on any lot or lots in said cemetery, and of erecting tombs, cenotaphs, and monuments, shrubs, trees, and rural ornaments therein, upon such terms and conditions, and subject to such regulations as said association may prescribe; and every right so granted and conveyed shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof, and shall not be subject to attachment, execution, or other process of law for any debt or liability of said association, or any of such proprietors.

1848-346-8

SECTION 8. So soon as said ground is platted and recorded, the persons named in the first section of this act, who own shares to the amount of twenty-five dollars, shall each select two of said lots, and those owning only one-half of such share of twenty-five dollars, shall each select one of said lots of ground, which lots so selected shall be conveyed to the proper person, and be held for the same purpose and to the same extent as though the same had been purchased from the said association.

1848-346-9

SECTION 9. Said trustees shall keep a fair record of all their proceedings, and a correct account of all the moneys by them received and expended from time to time, which record shall at all times be open to the inspection of any member of said association.

1848-346-10

SECTION 10. Said trustees shall keep a register of all lots by them sold, together with those selected by the persons named in the first section of this act, with the date of sale and selection, and the name of the person to, and by whom such sale and selection was made, and no subsequent sale or transfer of any lot or part thereof by any proprietor, shall vest in the purchaser or assignee any title, or confer upon him any rights or privileges under this act, until such transfer, assignment, or conveyance shall have been made known to said trustees, and an entry

or minute thereof made by them on said register.

1848-346-11

SECTION 11. The proceeds arising from the sale of the lots in said cemetery shall be applied under the direction of said trustees as follows, viz:

1st. To enclosing said ground and paying the expenses of plating the same.

2d. To providing suitable roads and walks to and from and through said cemetery.

3d. To pay incidental expenses attending the management of the affairs of said association.

4th. To reimburse to the persons named in the first section of this act, or their heirs or assigns, the amount by them advanced for the purchase of any ground contemplated in this act, with interest thereon from the date of its advancement.

5th. All moneys thereafter acquired by said association for the sale of lots, in said cemetery, shall be held in trust and used exclusively for transacting the ordinary business of said association for the protection of said cemetery, and for embellishing, adorning, and ornamenting the same, providing sufficient and permanent enclosures, roads, and walks, and for planting shrubs, trees, and other rural ornaments; and shall, upon no pretext whatever, be diverted from the objects contemplated in this section.

1848-346-12

SECTION 12. So soon as the persons names in the first section of this act, their heirs or assigns, shall have been fully reimbursed for the amount of money, principal and interest, by them respectively advanced as contemplated in the preceding section of this act, the trustees for the time being shall give public notice of that fact by publication in one or more of the newspapers then printed in said county of Tippecanoe.

1848-346-13

SECTION 13. That, from and after the publication of the notice in the preceding section specified, each and every person then owning or that may thereafter own, any lot or lots in said cemetery, shall become a member of said association, and every such person, over the age of twenty-one years, and the guardians of such as are under the age of twenty-one years, shall have a right to vote, at any subsequent election for trustee of said association, and shall have and possess the same power and privileges by this act conferred in the persons named in the first section of this act, and be subject to all the prohibitions and restrictions in this act contained.

1848-346-14

SECTION 14. That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave-stone, or other structure erected in said cemetery, or any fence, railing, or other work, for the protection or ornament of any tomb, monument, grave stone, or

other structure aforesaid, or of any burial lot in said cemetery, or shall wilfully destroy, cut, break, injure, or remove any shrub, tree, or plant within the limits of said cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in the circuit court of said county, upon presentment or indictment, be fined in any sum not less than twenty dollars, to which may be added imprisonment in the county jail, not less than ten nor more than ninety days; and such offender shall also be liable to an action of trespass, to be brought against him in any court of competent jurisdiction, by said association, to pay all and such damages as shall have been occasioned by his unlawful act or acts; which money, when received, shall be by said trustees applied to the reparation and restoration of the property destroyed or injured, as aforesaid. And in such action any member of said association shall be a competent witness.

1848-346-15

SECTION 15. This act shall be taken in all courts as a public act - shall receive a liberal construction, and shall be in force from and after its passage.